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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,771	02/09/2004	David A. Worley	7784-000688	9373
65961 7590 08/09/2007 HARNESS DICKEY & PIERCE, PLC P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER TAYONG, HELENE E	
			ART UNIT 2611	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/775,771

Applicant(s)

WORLEY ET AL.

Examiner

Helene Tayong

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/2/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/9/04 and 2/23/07.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's arguments filed 5/26/07, have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 5, 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dai et al (US 20030040274 A1) in view of Oshima et al (US 4567485).

(1) with regards to claims 1 and 7;

Dai et al disclose in figs. (1) and (2) a method for detecting and correcting for losses influencing a signal being radiated, in electromagnetic wave form, to a first communications station (40) from a second communications station (20), to provide a more accurate signal quality value (transmit power) determination of said signal, said method comprising:

using said first communications station to receive said signal transmitted from said second communications station ( fig. 2, 54, and 52 and pg. 2, [0029], lines 12-17);

Art Unit: 2611

generating a beacon signal from said second communications station( fig. 2, 20, [0006] lines 3-4 and pg. 2 [0029] lines 15-16).

monitoring a beacon signal from said second communications station to determine an atmospheric induced transmission loss ( pg. 2, [0027], lines 1-3) affecting said signal as said signal is transmitted from said second communications station to said first communications station (pg.2, [0030] to [0031]); and

using said atmospheric induced transmission loss( pg. 2, [0027], lines 1-3), said quantity of noise and said composite signal to extrapolate a signal quality value for said signal transmitted by said second communications station ( pg. 2, [0032], lines 6-10).

Dai et al discloses all of the subject matter disclosed above, but for specifically teaching adding a quantity of noise to said signal received by said first communications station to produce a composite signal having a known operating point.

However, Oshima et al in the same field of endeavor teaches a signal generator ( fig. 2, 16, col. 6 , lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to be able to add the signal generator of Oshima et al in the system of Dai et al for adding a quantity of noise to said signal received by said first communications station to produce a composite signal having a known operating point in order to control power transmission between stations which need no specific frequencies in up and down link frequency bands for use in exclusively carrying out the control. The motivation to add the device of Oshima et al to the system of Dai et al. would be to improve on estimation and error rate in the control of the earth station transmission power.

Art Unit: 2611

(2) with regards to claim 2;

Dai et al. further discloses using said first communications station (40) to receive said signal comprises transmitting said signal from a satellite based transponder (20) to said first communications station (fig. 2, 54, and 52 and pg. 2, [0029], lines 12-17).

(3) with regards to claim 3;

Dai et al. further discloses using said first communications station (40) to receive said signal comprises using a terrestrial based communications station (20) to receive said signal (fig. 2, 54, and 52 and pg. 2, [0029], lines 12-17).

(4) with regards to claim 5;

Dai et al. further discloses monitoring said beacon signal comprises using a beacon receiver to monitor said beacon signal to determine therefrom atmospheric downlink losses of said signal for use in determining said signal quality value (pg.2, [0030] to [0031]);

(5) with regards to claim 6;

Dai et al. further discloses wherein an absolute value of said transmission loss is used in determining said signal quality value (fig. 5, 68, pg 3, [0035], lines 15-19);

(6) with regards to claim 9;

Dai et al. further discloses using said communications station comprises using a terrestrial based station to receive said information signal (fig. 2, 20).

(7) with regards to claim 10;

Art Unit: 2611

Dai et al. further discloses wherein extrapolating said corrected Eb/No value comprises using a computer to determine said corrected Eb/No value (pg.2, [0033], lines 5-7).

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dai et al (US 20030040274 A1) and Oshima et al (US 4567485) and further in view of Wright et al ( US 6272340 B1).

(1) with regards to claim 17;

Dai et al. discloses a system (fig.1) for correcting for losses effecting a signal being transmitted, in electromagnetic form, from a second communications station to a first communications station, in which said second communications station also transmits a beacon signal to said communication station (fig. 2), comprising;

a computer for using said quantity of noise, said composite signal, said downlink loss and said operating point to extrapolate a signal quality value, said signal quality value representing a measurement of a quality of said signal having said losses removed therefrom ( fi.1, 28, pg. 2,[0025] and [0033] lines 5-7).

a beacon signal receiver(fig. 1 40) for receiving said signal and monitor a downlink loss affecting said beacon signal ( fig. 2 pg.2, [0029]), said downlink loss associated with said beacon signal being representative of a downlink loss experienced by said signal (pg. 2, [0029]);

Dai et al does not specifically teach a subsystem for generating a known quantity of noise to be added to a signal transmitted from said second communications station;

Art Unit: 2611

However, Oshima et al in the same field of endeavor teaches a subsystem for generating a known quantity of noise to be added to a signal transmitted from said second communications station (fig.2, 16 and fig4, 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the device of Oshima et al to the system of Dai et al in order to calculate interference added to the received signal and to modify receiver characteristics to produce an output signal for evaluations. The motivation to combine the device of Oshima et al to the method of Dai et al. would be to provide efficient way to judge system performance.

Dai et al. discloses all of the subject matter disclosed above, but for specifically teaching a combiner for combining said known quantity of noise with said signal to produce a composite signal;

However, Oshima et al in the same field of endeavor teaches a combiner (fig.2, 17) for combining said known quantity of noise with said signal to produce a composite signal (col. 6, lines 4-6);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the device of Oshima et al to the system of Dai et al in order for producing the combination of all signals. The motivation to add the device of Oshima et al to the method of Dai et al. would be to process all signals at intermediate frequencies.

Dai et al. as modified by Oshima et al. discloses all of the subject matter disclosed above, but for specifically teaching an attenuator for receiving said composite signal and defining a known operating point for said composite signal.

However, Wright et al in the same field of endeavor teaches an attenuator for receiving said composite signal and defining a known operating point for said composite signal (fig. 3, 46, col. 6, lines 29-35);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the devices of Wright to the system of Dai et al as modified by Anderson in order to provide a satellite based cellular communications system which utilizes a load shedding method to enhance uplink margin with combined FDMA/TDMA uplinks. The motivation to combine the device of Wright to the method of Dai et al. as modified by Oshima et al would be to eliminate the requirements of multiple rate demodulators on-board the satellite to reduce satellite complexity and provide terrestrial terminals that can support different numbers of carrier channels to provide varying fade capability such that the terrestrial terminals are scaleable in size and cost.

5. Claims 4,8,18,19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dai, et al, and Oshima et al as applied to claims 1,7 and 17 above, and further in view of Nakamura (US 7130577 B2).

(1) with regards to claims 4 ,8 and 18;

Dai, et al. as modified by Oshima et al discloses all of the subject matter disclosed above except for specifically disclosing a system for generating noise between certain frequencies, wherein adding a quantity of noise comprises adding a



Art Unit: 2611

quantity of noise having a frequency within a range of between about 950 MHz-1450 MHz..

However, Nakamura in the same field of endeavor, teaches a low Noise Block down-converter (LNA) incorporated in a receiver of an antenna for satellite signal transmission/reception that produces a quantity of noise having a frequency within a range of between about 950 MHz-1450 MHz as applied to claims 4,8 and 18 (col.1, lines 33-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the method of Nakamura 's LNA, in the system of Dai et al in order to provide a harmonic component for a signal received from a satellite acting as an interference wave with respect to a reception signal. The motivation to utilize the method of Nakamura in the system of Dai et al. would be to provide a low noise converter which is of reduced cost and of high performance property, and less susceptible to a spurious harmonic component.

(2) with regards to claim 19;

Dai, et al. as modified by Oshima et al discloses all of the subject matter disclosed above except for specifically disclosing a system wherein said subsystem for generating a known quantity of noise further comprises a local oscillator and mixer.

However, Nakamura further discloses in (fig 2) wherein said subsystem for generating a known quantity of noise further comprises a local oscillator (9,10) and mixer (11,12) as applied to claim 19 (col. 5, lines 16-24).

Art Unit: 2611

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the method of Nakamura 's LNA, in the system of Dai et al in order to provide a harmonic component for a signal received from a satellite acting as an interference wave with respect to a reception signal. The motivation to utilize the method of Nakamura in the system of Dai et al. would be to provide a low noise converter which is of reduced cost and of high performance property, and less susceptible to a spurious harmonic component.

(3) with regards to claim 20;

Dai, et al. as modified by Oshima et al discloses all of the subject matter disclosed above except for specifically disclosing wherein said first communications station generates said signal as comprised of one of a horizontally polarized signal component and a vertically polarized signal component..

Nakamura further discloses in (fig 2) wherein said first communications station generates said signal as comprised of one of a horizontally polarized signal component and a vertically polarized signal component as applied to claim 20 (col. 4, lines 62-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the method of Nakamura 's LNA, in the system of Dai et al in order to provide a harmonic component for a signal received from a satellite acting as an interference wave with respect to a reception signal. The motivation to utilize the method of Nakamura in the system of Dai et al. would be to provide a low noise converter which is of reduced cost and of high performance property, and less susceptible to a spurious harmonic component.

6. Claims 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dai et al , Oshima et al., Wright and Nakamura as applied to claims 20 and 23 above, and further in view of Marko (US 7136640 B2).

(1) with regards to claims 21 and 23;

Dai et al. as modified by Oshima et al, Wright and Nakamura discloses all of the subject matter disclosed above except for particularly discussing a splitter for splitting said known quantity of noise such that a sub quantity of said noise is separately applied to each of said horizontally and vertically polarized signal components of said signal.

However, Marko in the same field of endeavor, teaches a satellite system (fig.7) that include a splitter (114) (col. 5, lines 36-40) to separate signal components based on their frequencies.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the device of Marko in the method of Dai et al as modified by Anderson, Wright and Nakamura in order to provide a satellite broadcast system that selectively switches signals transmitted from satellites in selected tundra orbit positions. The motivation to utilize Marko's device in the method of Dai et al. as modified by Anderson, Wright and Nakamura would be to improve reception of the signals, for example by increasing elevation angle.

(2) with regards to claim 24;

Dai et al. as modified by Oshima et al, Wright and Nakamura discloses all of the subject matter disclosed above except for particularly discussing a system wherein said

Art Unit: 2611

second component is input to said combiner to be combined with said known quality of noise .

However, Marko in the same field of endeavor, teaches a a system (fig 2) wherein said second component is input to said combiner to be combined with said known quality of noise as applied to claim 24 (col. 6, lines 66-67 to col. 7, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the device of Marko in the method of Dai et al as modified by Anderson, Wright and Nakamura in order to provide a satellite broadcast system that selectively switches signals transmitted from satellites in selected tundra orbit positions. The motivation to utilize Marko's device in the method of Dai et al. as modified by Anderson, Wright and Nakamura would be to improve reception of the signals, for example by increasing elevation angle.

7. Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dai et al., Oshima et al and Wright as applied to claim 17 above, and further in view of Fleming III et al( 6212360 B1).

(1) with regards to claim 22;

Dai et al as modified by Anderson and Wright discloses all of the subject matter disclose above, but for specifically teaching a separate attenuator for each of said vertically and horizontally polarized signal components, for defining said known operating point..

Art Unit: 2611

However, Fleming III et al. in the same field of endeavor teaches a separate attenuator (375) for each of said vertically and horizontally polarized signal components, for defining said known operating point (col. 4, lines 39-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the method of Flemming III et al in the method of Dai as modified by Anderson and Wright in order to control the signal level transmitted by the earth-station in a network. The motivation to combine Fleming III et al.'s method in the system of Dai as modified by Anderson and Wright would be to improve transmission method of power in a VSAT network.

(2) with regards to claim 25;

Dai et al as modified by Anderson and Wright discloses all of the subject matter disclose above, but for specifically a demodulator responsive to said known quantity of noise and said composite signal for generating said signal quality value.

However, Fleming III et al. in the same field of endeavor teaches a demodulator (381,383,387) responsive to said known quantity of noise and said composite signal for generating said signal quality (col. 6, lines 47-54)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the method of Flemming III et al in the method of Dai as modified by Anderson and Wright in order to control the signal level transmitted by the earth-station in a network. The motivation to combine Fleming III et al.'s method in the system of Dai as modified by Anderson and Wright would be to improve transmission method of power in a VSAT network..

Art Unit: 2611

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lockett (US 6763006 B1) disclose a method and apparatus for controlling uplink transmission power in a Satellite communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Tayong whose telephone number is 571-270-1675. The examiner can normally be reached on Monday-Friday 8:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Liu Shuwang can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helene Tayong

8/6/07



SHUWANG LIU  
SUPERVISORY PATENT EXAMINER